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Situation of human rights in Turkmenistan

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 59/206. It concludes that reported information about continued serious human rights violations in Turkmenistan indicate a lack of overall improvement that is required in this area in the country. Nevertheless, they also indicate some progress in addressing the outstanding problems and the readiness of the Government of Turkmenistan to cooperate with the international community and the human rights mechanisms.

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* A/60/150.

** This report is submitted after the deadline to reflect the most up-to-date information.

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I. Introduction

1. The situation of human rights in Turkmenistan has been considered both by the Commission on Human Rights and the General Assembly since 2003. The present report is submitted pursuant to General Assembly resolution 59/206 of 20 December 2004; no resolution was adopted by the Commission on Human Rights in 2005.

2. This report contains updates with additional information to the note by the Secretariat on the situation of human rights in Turkmenistan (E/CN.4/2004/118) submitted to the Commission on Human Rights in 2004.

II. Implementation of General Assembly resolution 59/206

Development of a constructive dialogue with the Office of the High Commissioner for Human Rights

3. At the invitation of the Government of Turkmenistan, the Office of the United Nations High Commissioner for Human Rights (OHCHR) dispatched a needs assessment mission to Turkmenistan with a view to a possible technical cooperation project. The mission was carried out from 15 to 20 March 2004 by representatives of OHCHR and the United Nations Development Programme (UNDP). The programme of the mission included a one-day seminar on methodologies for preparing reports to human rights treaty bodies and a half-day round table on the implementation of international human rights standards in national legislation.

4. Consultations are under way to finalize the project document drafted on a cost-sharing basis with UNDP Turkmenistan for submission to the Government.

Special procedures of the Commission on Human Rights

5. The following special procedures of the Commission on Human Rights have requested invitations to visit the country: the Special Rapporteur on the independence of judges and lawyers, in June 2003 (see E/CN.4/2004/60/Add.1); the Special Rapporteur on the question of torture, in July 2003 (see E/CN.4/2004/56); the Special Rapporteur on extrajudicial, summary or arbitrary executions, in June 2003 (see E/CN.4/2004/7); the Special Rapporteur on freedom of opinion and expression, in June 2003 (see E/CN.4/2004/62); and the Special Rapporteur on freedom of religion or belief, in June 2003 (see E/CN.4/2004/63). The Representative of the Secretary-General on internally displaced persons requested an invitation in October 2003 (see E/CN.4/2004/77); the Special Representative of the Secretary-General on the situation of human rights defenders did so in October 2003 (see E/CN.4/2004/94); and the Working Group on Arbitrary Detention requested an invitation to visit the country in February 2004. The Special Rapporteur on the independence of judges and lawyers renewed his request to visit the country in January 2004 (see E/CN.4/2004/60/Add.1) as did the Special Rapporteur on the question of torture in October 2003 (see E/CN.4/2004/56/Add.1) and the Special Representative of the Secretary-General on the situation of human rights defenders in 2004 (E/CN.4/2005/101).

6. To date, none of the above-mentioned mechanisms of the Commission has received an invitation to visit the country.

7. Special procedures continued to receive communications regarding the human rights situation in Turkmenistan and have sent urgent appeals as well as letters of allegations to the Government. The Government has replied to some of these communications.

8. Communications were sent by the Special Representative of the Secretary-General on the situation of human rights defenders (see E/CN.4/2005/101/Add.1), the Working Group on Arbitrary Detention (see E/CN.4/2005/6), the Special Rapporteur on the right to freedom of opinion and expression (see E/CN.4/2005/64/Add.1), the Special Rapporteur on the question of torture (see E/CN.4/2005/62/Add.1), the Special Rapporteur on extrajudicial, summary or arbitrary executions (see E/CN.4/2005/7/Add.1) and the Special Rapporteur on freedom of religion or belief (see E/CN.4/2005/61/Add.1).

Reporting to treaty bodies and full implementation of their recommendations

9. Turkmenistan ratified the International Covenant on Civil and Political Rights in 1997 and acceded to the two Optional Protocols in 1997 and 2000, respectively. It ratified the International Covenant on Economic, Social and Cultural Rights in 1997, the International Convention on the Elimination of All Forms of Racial Discrimination in 1994, the Convention on the Elimination of All Forms of Discrimination against Women in 1997, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 1999 and the Convention on the Rights of the Child in 1993, as well as the two Optional Protocols thereto in 2005. It has not recognized the competence to consider individual communications under the Committee on the Elimination of Discrimination against Women, the Convention against Torture or the International Convention on the Elimination of All Forms of Racial Discrimination, nor did it accede to the Optional Protocol to the Convention against Torture. It also did not ratify the Convention on the Prevention and Punishment of the Crime of Genocide or the Rome Statute of the International Criminal Court.

10. Since 2004 Turkmenistan has submitted three reports on the implementation of the conventions, one to the Committee on the Elimination of Racial Discrimination (CERD) combining the initial, second, third, fourth and fifth periodic reports (CERD/C/441/Add.1), one to the Committee on the Rights of the Child (CRC/C/28/Add.24) and one to the Committee on the Elimination of Discrimination against Women (CEDAW), combining the initial and second periodic report (CEDAW/C/TKM/1-2).

11. The report to the Committee on the Rights of the Child is scheduled to be examined at the Committee's forty-second session in September 2005. CEDAW has not yet considered the report submitted to it. CERD considered the report of Turkmenistan at its sixty-seventh session in August 2005. The report was introduced by the Minister of Foreign Affairs.

12. In its concluding observations (CERD/C/TKM/CO/5) the Committee noted a number of concerns regarding statistics on the ethnic composition of the population

of Turkmenistan; the status of the Convention under domestic law; reported instances of hate speech, including by Government officials; the policy of forced assimilation and restrictions on the right to work of minorities; restrictions on the freedom of movement of minorities and internally displaced persons; and obstacles to the enjoyment of their culture and use of their language by minorities. The Committee expressed appreciation for the announcement that Turkmenistan had granted citizenship to about 16,000 refugees who have been in the country for some years, and permanent resident status to 3,000 others.

13. Turkmenistan continues to be overdue in its reporting obligations to the Human Rights Committee since 1998, to the Committee on Economic, Social and Cultural Rights since 1999 and to the Committee against Torture since 2000.

Other developments relating to the implementation of General Assembly resolution 59/206

14. The High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) visited Turkmenistan twice, from 13 to 15 December 2004 and on 30 and 31 May 2005. Subjects of discussion included the issue of a possible assessment of the living conditions of the national minorities in the country. The OSCE Chairman-in-Office also visited Turkmenistan, in April 2005, raising, inter alia, the issue of the situation of minorities in Turkmenistan. Martti Ahtisaari, Special Envoy of the OSCE Chairman-in-Office for Central Asia has visited the country three times. The situation of minorities was also considered by CERD in 2005 (see para. 12).

15. Also, the Vice-President of the International Committee of the Red Cross (ICRC) visited Turkmenistan in June 2005 when he discussed, inter alia, the possibility of an agreement that would enable ICRC to work on behalf of prisoners and detainees in Turkmenistan.

16. In March 2004 the President of Turkmenistan issued a decree confirming the abolition of exit visas as a requirement for leaving the country.

17. Three presidential decrees were adopted in 2004 concerning the registration of religious organizations and the exercise of religious freedom. These decrees eased registration procedures for religious organizations and abolished criminal liability for activities of religious organization that were not registered in accordance with the requirements.

18. No substantial new developments have occurred with regard to other issues relating to the implementation of General Assembly resolution 59/206.

III. Conclusions and recommendations

19. **The aforementioned developments, in particular the reported information about continued serious human rights violations, indicate a lack of overall improvement that is required in this area in the country. Nevertheless, they also indicate some progress in addressing the outstanding problems and the readiness of the Government of Turkmenistan to cooperate with the international community and the human rights mechanisms.**

20. **The Secretary-General encourages the Government to continue its efforts in the preparation and submission of reports to the United Nations treaty bodies, to continue its dialogue with the Committee on the Elimination of Racial Discrimination and to implement the recommendations made.**

21. **The Secretary-General calls upon the Government to extend an invitation to the thematic special mechanisms of the Commission on Human Rights who have expressed their interest in visiting the country, in particular the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the question of torture; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Representative of the Secretary-General on the human rights of internally displaced persons; the Special Representative of the Secretary-General on the situation of human rights defenders; and the Working Group on Arbitrary Detention, and to implement their recommendations.**

22. **Finally, the Secretary-General invites the Government to continue its cooperation with the Office of the High Commissioner for Human Rights in finalizing and implementing the technical cooperation project.**